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SN 10/042,428

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth J. Cool

Examiner: M. Ramakrishnaiah

Serial No.: 10/042,428

Group Art Unit: 2643

Filed: October 24, 2001

Docket: 450.323US1

Title: INTEGRATED TELEPHONY AND VIDEO SYSTEM

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smc  
8/27/01

RESPONSE UNDER 37 CFR § 1.111

Commissioner for Patents  
Washington, D.C. 20231

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on May 10, 2002, and the references cited therewith. Claims 1-30 are now pending in this application.

Allowable Subject Matter

Applicant notes with appreciation that claims 5, 15 and 24 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

§103 Rejection of the Claims

Lagoni et al. and Goldwasser et al.

Claims 1-3, 12, 13, 20, 21, 22, 27-30 were rejected under 35 USC § 103(a) as being unpatentable over Lagoni et al. (US 6,141,058) in view of Goldwasser et al. (US 5,241,428). In order to establish a prima facie case of obviousness, the references must teach or suggest all the claim elements. See M.P.E.P. § 2142 and *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991).

The Examiner acknowledges that Lagoni does not teach or suggest all of the elements in claims 1, 12, 13, 20-22 by stating at page 3 of the Office Action that "Lagoni differs from claims 1, 12, 13, 20-22 in that he does not teach the following: a buffer coupled to the controller, wherein the buffer is capable of buffering the real-time program from the acceptance of the call and providing buffered program to the user upon the termination of the call and providing